

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

----- X
In re : Chapter 9
:
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
:
Debtor. : Hon. Steven W. Rhodes
X

**MOTION FOR SUMMARY JUDGMENT PURSUANT TO FEDERAL
RULE OF BANKRUPTCY PROCEDURE 7056 SUBMITTED IN FURTHER
SUPPORT OF ITS OBJECTION TO MACOMB INTERCEPTOR DRAIN
DRAINAGE DISTRICT'S CLAIM NO. 3683**

The City of Detroit (the "City"), as the debtor in the above-captioned case, hereby moves the Court for the entry of an order dismissing, disallowing and expunging Macomb Interceptor Drain Drainage District's ("MIDDD") Claim No. 3683 in its entirety pursuant to Federal Rule of Bankruptcy Procedure 7056 and Federal Rule of Civil Procedure 56. Summary judgment may be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *Gen. Motors. Co. v. Heraud (In re Heraud)*, 410 B.R. 569, 578 (Bankr. E.D. Mich. 2009) (citations, alterations, and internal quotation marks omitted). As demonstrated by the attachments to this Motion, MIDDD has failed to establish a genuine issue of material fact and the City is entitled to judgment as a matter of law. Pursuant to Local Rule 9014-1(g), on October 8, 2014 Counsel for the City contacted Counsel for MIDDD seeking concurrence in the relief sought which was not provided, thereby necessitating this Motion.

WHEREFORE, for all of the foregoing reasons, the City respectfully requests that the Court dismiss, disallow and expunge MIDDD's Claim No. 3683.

Dated: October 8, 2014

Respectfully submitted,

By: /s/ Stephen S. LaPlante
Jonathan S. Green (MI P33140)

Stephen S. LaPlante (MI P48063)
Jerome R. Watson (MI P27082)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212

ATTORNEYS FOR THE CITY OF DETROIT

23058910.1|022765-00202